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Attorney Docket No.: 61352-122
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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| In re Application of | : | |
| Norishige NANAI, et al. | : | Customer No. 53080 |
| Application No.: 10/564,755 | : | Confirmation No.: 2140 |
| Filed: January 8, 2007 | : | Group Art Unit: 2811 |
| | : | Examiner: CUONG QUANG NGUYEN |
| For: FIELD EFFECT TRANSISTOR AND METHOD OF FABRICATING THE SAME | : | |

ELECTION UNDER 35 U.S.C. § 121

Mail Stop Amendment
Hon. Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the restriction requirement set forth in the Office Action mailed August 4, 2009, having a shortened statutory period for response set to expire September 4, 2009, wherein the Examiner required restriction between the following Groups:

Group I: Claims 27-37, 42-44 and 40-55, drawn to a device; and

Group II: Claims 38-41 and 45, drawn to a method of making a device.

Applicants elect Group I for initial prosecution on the merits. Applicants also reserve the right to file a Divisional Application for the non-elected claims which the Examiner has indicated are patentably distinct.

Applicants believe that no extension of time is required. However, this conditional petition is being made to provide for the possibility that Applicants have inadvertently overlooked the need for a petition for extension of time.


The Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to Deposit Account No. 50-0417.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP

Date: 9/4/09

By: _____


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